

193390US-2 PCT



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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
Ichiro KAMIYA ET AL. : EXAMINER: MANOHARAN, V.
SERIAL NO: 09/581,235 :
FILED: AUGUST 17, 2000 : GROUP ART UNIT: 1764
FOR: DESALINATION METHOD AND
DESALINATION APPARATUS

PROVISIONAL ELECTION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

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SIR:

In response to the Official Action mailed September 25, 2001, Applicants provisionally elect, with traverse, Group II, Claims 9-22 for further examination on the merits in the present application.

Applicants respectfully traverse the Restriction requirement because the PTO has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

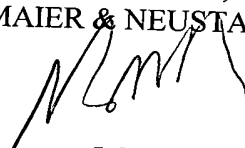
The claims of the present invention would appear to be part of an overlapping search area.¹

¹To do justice to either identified group of claims, it is respectfully submitted that it would be necessary to search in both Classes and subclasses identified in paragraph 1 at page 2 of the outstanding Official Action.

Accordingly, Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



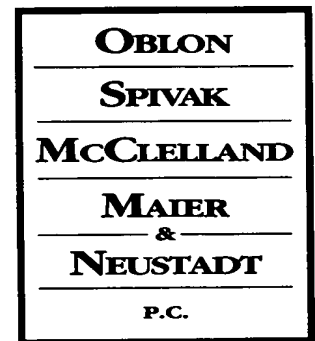
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Docket: 193390US-2 PCT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Re: Group Art Unit: 1764
Serial No.: 09/581,235
Filed: AUGUST 17, 2000
Applicant: ICHIRO KAMIYA, ET AL.
For: DESALINATION METHOD AND
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ATTORNEYS AT LAW

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Attached hereto for filing are the following papers:

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Our check in the amount of \$ - 0 - is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully submitted,

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